

## COMMITTEE REPORT

**Date:** 9 January 2020      **Ward:** Strensall  
**Team:** East Area      **Parish:** Strensall With Towthorpe  
Parish Council

**Reference:** 19/02130/FUL  
**Application at:** 9 Oak Tree Close Strensall York YO32 5TE  
**For:** Two storey side and rear extension, re-roof existing side extension, 6no. rooflights to rear, 1no. rooflight to front and 2no. rooflights to side  
**By:** Mr Darren Baxandall  
**Application Type:** Full Application  
**Target Date:** 13 January 2020  
**Recommendation:** Householder Approval

### 1.0 PROPOSAL

1.1 This application seeks permission for the erection of a two storey extension to the side and rear of a two-storey detached house, along with the addition of a pitched roof to an existing side extension, associated changes to the fenestration, and the application of a render finish to the property.

1.2 This application has been called in by Cllr. Fisher for consideration by the planning committee on the grounds of the objections made by neighbours at no.11 Oak Tree Close, and Strensall with Towthorpe Parish Council.

### 2.0 POLICY CONTEXT

Draft Development Control Local Plan 2005

GP1 – Design

H7 – Residential Extensions

City of York Publication Draft Local Plan 2018

D1 – Placemaking

D11 – Extensions and Alterations to Existing Buildings

### 3.0 CONSULTATIONS

Strensall with Towthorpe Parish Council

3.1 Object to this planning application on the following grounds:

- Visual amenity – the proposal, by virtue of the size and extent of the building footprint, and its excessive scale and massing, would be unduly harmful to the character and appearance of the area.
- Neighbour amenity – the excessive scale and massing of the proposal would adversely affect the amenity and outlook of the occupiers of adjacent residential properties. The inclusion of balconies would cause undue harm to the reasonable enjoyment of neighbouring properties by causing an unduly high level of external overlooking and general intrusion into large parts of the neighbouring gardens.

#### Foss Internal Drainage Board

3.2 The states that they have assets in the wider area around the site in the form of various watercourses; these watercourses are known to be subject to high flows during storm events. In order to reduce flood risk it has been suggested that the applicant clarifies the drainage strategy to account for the potential additional surface water run-off.

### **4.0 REPRESENTATIONS**

4.1 Two letters of objection were received from the same property, no.11 Oak Tree Close. The following concerns were raised:

- The extensive use of floor to ceiling glass at first floor and second floor (attic) level on the extension, the potential for the inclusion of a balcony, and the felling of trees, would have a serious impact on the enjoyment of privacy in the neighbouring garden.

### **5.0 APPRAISAL**

#### KEY ISSUES

5.1 Impact on the dwelling and character of the surrounding area; impact on neighbour amenity.

#### POLICY CONTEXT

5.2 The National Planning Policy Framework (NPPF) February 2019 sets out the Government's overarching planning policies, and at its heart is a presumption in favour of sustainable development.

5.3 Paragraph 38 of the NPPF (Chapter 4, 'Decision-Making') advises that local planning authorities should approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.4 Paragraph 127 (NPPF Chapter 12, 'Achieving Well-Designed Places') states that planning policies and decisions should ensure that developments will achieve a number of aims, including: that they will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; that they will be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; that they are sympathetic to local character and history, including the surrounding built environment and landscape setting; that they will help create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.5 The NPPF also places great importance on good design. Paragraph 128 says that design quality should be considered throughout the evolution and assessment of individual proposals. Paragraph 130 says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

5.6 The Publication Draft Local Plan 2018 for the City of York ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan;
- The extent to which there are unresolved objections to relevant policies;
- The degree of conformity of the relevant policies in the emerging plan with policies in the previous NPPF (published March 2012).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

5.7 Policy D1 (Placemaking) of the 2018 Draft Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area, or the amenity of neighbours will be refused.

5.8 Policy D11 (Extensions and Alterations to Existing Buildings) states that proposals to extend, alter or add to existing buildings will be supported where the design responds positively to its immediate architectural context, local character and history in terms of the use of materials, detailing, scale, proportion, landscape and space between buildings. Proposals should also sustain the significance of a heritage asset, positively contribute to the site's setting, protect the amenity of current and neighbouring occupiers, contribute to the function of the area and protect and incorporate trees.

5.9 The Development Control Local Plan was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications although it is considered that their weight is limited except when they are in accordance with the NPPF.

5.10 Draft Local Plan policy GP1 states that, with respect to Design, development proposals will be expected to (i) respect or enhance the local environment; (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks, the rural character and setting of villages and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

5.11 Draft Local Plan Policy H7 concerns Residential Extensions, and states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality of the development; (ii) the design and scale are appropriate in relation the main building; (iii) there is no adverse effect on neighbour amenity; (iv) proposals respect the spaces between dwellings; and (v)

the proposed extension does not result in an unacceptable reduction in private amenity space within the curtilage of the dwelling.

5.12 The Council have an agreed Supplementary Planning Document 'House Extensions and Alterations' (dated December 2012), which provides guidance on all types on domestic type development. It offers overarching general advice relating to such issues as privacy, overshadowing, oppressiveness and general amenity as well as advice which is specific to the design and size of particular types of extensions, alterations and detached buildings.

5.13 A basic principle of the above guidance is that any extension should normally be in keeping with the appearance, scale, design and character of both the existing dwelling and the road/street-scene it is located on. Furthermore, proposals should not unduly affect neighbouring amenity with particular regard to privacy, overshadowing and loss of light, over-dominance and loss of outlook.

5.14 Regarding privacy, Paragraph 3.1 makes clear that proposals should not result in direct overlooking of rooms in neighbouring dwellings, or excessive overlooking of adjacent garden areas, and Paragraph 3.2 states that regard should be given to how separation distances relate to the existing character of the area. Paragraph 3.4 advises that balconies can cause particular concern as overlooking of neighbouring gardens or adjacent windows is normally much more direct. It makes clear that balconies and roof gardens will only normally be acceptable where they overlook public or communal areas, or areas of neighbouring gardens that are not typically used for sitting out or already have a low level of privacy. In some instances sensitively designed balcony screens can help to retain adequate levels of privacy, however, care should be taken to ensure that any screening does not detract from the appearance of the area or unduly harm neighbours light and outlook.

5.15 Section 12 provides specific advice relating to side extensions, with Paragraph 12.2 advising that, if not sensitively designed and located, side extensions can erode the open space within the street and create an environment that is incoherent and jumbled. Section 13 contains advice relating to rear extensions; Paragraph 13.4 makes clear that the additional mass of an extension can have an impact on the space around buildings (including gardens) and can have a significant effect on adjoining occupiers. 13.6 states that, on detached properties, a two-storey rear extension may be acceptable subject to the usual area character and amenity principles referred to previously being satisfied.

## ASSESSMENT

### Impact on the dwelling and character of the surrounding area

5.16 The proposed extension to the rear of the main dwelling would be a significant addition to the existing house, but would be minimally visible from the highway and well screened from any public vantage point. The addition would incorporate two pitched roofs with gabled ends, and would not appear unduly unsympathetic in terms of the design and scale of the existing dwelling. The dwelling sits within a large curtilage, and the additions, although sizeable, would not appear dominant within the plot.

5.17 The proposed extension to the western side elevation of the house would appear clearly subservient and not unduly wide when viewed from the street, and would not appear incongruous in relation to the design of the host dwelling, being of a sympathetic design and scale.

5.18 The addition of a pitched roof above the existing extension to the eastern side elevation of the house would also be considered in keeping with the design of the existing roof, and would again appear adequately subservient and of a reasonable scale.

5.19 The overall visual impact of these additions would not be considered harmful, given the variety of housing styles in existence along the street. With regard to the render finish proposed for the house, it is not considered that this would unduly impact on the character of the house or the streetscene, given the lack of uniformity in the area. Several examples of rendered properties exist nearby. For this reason, the rendered finish proposed as part of this scheme, along with the proposed alterations to the fenestration and roofing material, although a departure from the appearance of the existing dwelling, would not be considered to cause harm to the visual amenity of the wider streetscene. In terms of the character of the dwelling itself, these changes would be considered to contribute to a harmonious and coherent overall appearance that would not be considered harmful.

### Impact on neighbour amenity

5.20 The host dwelling is set at an angle to the properties at either side, meaning that the rear of each house faces slightly away from its neighbour. Further to this, each dwelling is set within a large curtilage, and a good separation distance would

exist between the proposals and the houses to either side. The rear extension would be set at least 22 metres away from the closest part of the rear boundary to the curtilage, and approximately 7.5 metres from the nearest extent of the dwelling at no.7. By virtue of these separation distances, as well as its orientation in relation to the neighbouring dwellings, the proposed rear extension, although not insignificant in depth, would not be considered to impact unduly upon the outlook or light enjoyed by the neighbours.

5.21 With regard to the side extension, the depth of the first floor part of this addition would be considered reasonable. The side extension would be approximately 2.25 metres away from the side elevation of no.11 at its closest, with this separation distance rising to approximately 5 metres from the southern corner of the neighbouring dwelling. The furthest rear extent of the first floor side extension would be at least 7.5 metres distant from any opening to the rear of the dwelling at no.11. The side extension would not, therefore, be considered to impact unduly on the outlook or light of any of the rear openings to the house at no.11.

5.22 It is not considered that the additions to the side or rear of the house would have an undue impact on the privacy of any adjacent neighbours. Juliette balconies are proposed to the first floor of the main rear extension; the orientation of these, and the depth of the proposed extension, would mean that any overlooking of neighbouring properties as a result of these openings would affect only the peripheral rear portions of the neighbouring gardens. The nearest Juliette balcony would be over 8 metres from the side boundary with no.11, and no side windows are proposed to the first floor or attic levels of the scheme. The balcony area proposed at first floor level on the side extension would be well screened from the neighbours at no.11, incorporating a glazed side screen at a distance of at around 3 metres from the boundary. This side screen would be at least 7.5 metres from any rear windows at no.11, and would mean that the balcony area would only partially overlook a small portion to the rear of the garden at no.11. Furthermore, there exists a good level of screening between the gardens at each side, even with the removal of the trees at the side boundary with no.11, and this would be considered to further reduce the potential impact on the privacy of the neighbours to the side and rear of the site.

### Drainage

5.23 In response to the comments of the Foss Internal Drainage Board, the scale of the extension is not considered significant in drainage terms and any additional

surface water run-off would be difficult to attenuate. A drainage condition is therefore not recommended in these circumstances and drainage details can be adequately dealt with under the Building Regulations.

## **6.0 CONCLUSION**

6.1 The proposal is considered to comply with National Planning Policy Framework (2019), policies D1 and D11 of the City of York Publication Draft Local Plan 2018, policies GP1 and H7 of the 2005 City of York Draft Local Plan, and advice contained within Supplementary Planning Document 'House Extensions and Alterations' (Dec. 2012).

## **COMMITTEE TO VISIT**

### **7.0 RECOMMENDATION:** Householder Approval

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing No.1014/B1 (Received 3rd October 2019) - Block Plan

Drawing No.1014/3 (Received 3rd October 2019) - Plans as Proposed

Drawing No.1014/4 (Received 3rd October 2019) - Elevations as Proposed

Drawing No.1014/5 (Received 3rd October 2019) - Attic Plans

Drawing No.1014/6 (Received 3rd October 2019) - Roof Plan as Proposed

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Prior to the occupation of the first floor of the side extension the obscure glazed screen shall be installed as shown on drawing 1014/3 and 1014/4. The obscure glazing shall be to a standard equivalent to Pilkington Glass level 3 or above and the screen shall thereafter be retained as approved.

The first floor flat roof area to the side of bedroom 4 as shown on drawing 1014/3 shall not be used as roof terrace.

Reason: In order to protect the amenity of the neighbouring dwelling.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**



## 1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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